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ROY J. MANKOVITZ

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/292,275	<b>Applicant(s)</b> MANKOVITZ, ROY J.	
	<b>Examiner</b> DOMINIC D. SALTARELLI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 78-82,92-110,117-130,132-137,160 and 161 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 78-82,92-110,117-130,132-137,160 and 161 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed February 19, 2008 have been fully considered but they are not persuasive.

Applicant argues that the combination of Palmer and Kiefl fails to disclose tracking time-of-day information corresponding to a time at which the user requests for supplemental information are received, stating that Keifl only stores time-of-day information relating to viewing times, not requests for supplemental information (applicant's remarks, page 13).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, as described below, when Palmer is modified in view of the teaching in Keifl, it obviates the need for specific codes to be associated with the broadcast itself, the system of Palmer continues to function in its original form in delivering supplemental content, it is simply broadened to be more widely applicable when modified in view of Kiefl. Because the system disclosed by Palmer is concerned with retrieval of supplemental content that corresponds not only to a program, but that the granularity of the information is applicable down to portions of the program (Palmer, col. 3, lines 5-10), the time of day information is

associated specifically with when the user makes to the request of supplemental content, in order to specify which particular portion of the program the user was viewing when the request for supplemental content was made.

Regarding the use of official notice:

For the official notice taken that “indexing content according to date as well as time of day is notoriously well known in the art, as indexing according to date provides for much larger databases to be used than one in which only the content of a single day is stored” (claims 93 and 122), the examiner submits U.S. Patent No. 5,553,123, filed on June 9, 1994, which teaches storing content related to television broadcasts in a database, including associated date information (see col. 48 line 53 - col. 49 line 16).

For the official notice taken that “the use of removable memory devices is notoriously well known in the art” (claim 95), the examiner submits U.S. Patent No. 5,724,521 to Dedrick, filed on November 3, 1994, who teaches storing information for use by different computer systems on a removable memory device (see col. 7, lines 36-49).

For the official notice taken that “means for erasing stored data from memory is notoriously well known in the art” (claims 107 and 134), the examiner submits U.S. Patent No. 5,860,136, filed on December 28, 1993 (see col. 26, lines 37-47).

For the official notice taken that "it is notoriously well known in the art to use master clocks outputting clock signals to coordinate remote clocks in order to synchronize the remote clocks with the master clock", the examiner submits U.S. Patent No. 5,155,762 to Croquet et al., patented October 13, 1992 (see col. 3 line 65 - col. 4 line 12 and col. 4, lines 36-53).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 78-82, 92, 93, 95, 96, 102-104, 106-110, 117-122, 124-130, 133-137, 160, and 161 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (5,438,355, of record) in view of Kiefl (5,382,970, of record) and Goldstein (5,410,326, of record).

Regarding claim 78, Palmer discloses a method of providing supplemental information about a broadcast, the method comprising:

receiving, at a portable, hand-held electronic device, a request for supplemental information associated with the broadcast (col. 3 line 63 - col. 4 line 9);

establishing a connection to a remote database through a communications interface (col. 3 line 63 - col. 4 line 9);

transferring the information indicative of the broadcast stored in the memory to the remote database (col. 3 line 63 - col. 4 line 9) such that the remote database correlates the information indicative of the broadcast to the broadcast to identify the supplemental information associated with the broadcast and receiving the supplemental information from the remote database (col. 4, lines 10-37).

Palmer fails to disclose providing a portable, hand-held electronic device which includes the user control, memory, communications interface, and a clock outputting time-of-day information, wherein the stored time-of-day information from the clock corresponds to the time at which the request is received, and communicating the supplemental information using the hand-held electronic device.

In an analogous art, Kiefl discloses a portable, hand-held electronic device (fig. 1, personal data meter, col. 9, lines 27-35) which includes a memory (fig. 2, memory 28), communications interface (fig. 2, phone control, modem, and cellular phone 31 and 32), and a clock outputting time-of-day information (fig. 2, clock 26), that is used to report back time-of-day information indicating what programming a viewer has watched (col. 6, lines 38-51). This provides a reporting device which has the benefit of being portable and usable with any television (or radio, see col. 8 line 54 - col. 9 line 4) source, requiring no physical connection to the television or other special equipment (col. 3, lines 19-36 and col. 9, lines 28-35).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Palmer to include a portable, hand-held electronic device which includes the memory, communications interface, and a clock outputting time-of-day information, wherein the information indicative of the broadcast includes time-of-day information from the clock, as taught by Kiefl, for the benefit of utilizing a stand alone device which is portable and not limited to use with any one particular television and requires no additional or special equipment to function. This obviates the need for specific codes to be associated with the broadcast itself, the system of Palmer continues to function in its original form in delivering supplemental content, it is simply broadened to be more widely applicable when modified in view of Kiefl. Because the system disclosed by Palmer is concerned with retrieval of supplemental content that corresponds not only to a program, but that the granularity of the information is applicable down to portions of the program (Palmer, col. 3, lines 5-10), the time of day information is associated specifically with when the user makes to the request of supplemental content, in order to specify which particular portion of the program the user was viewing when the request for supplemental content was made.

Palmer and Kiefl fail to disclose the portable, hand-held electronic device also includes the user control and communicating the supplemental information using the hand-held electronic device.

In an analogous art, Goldstein discloses a portable hand-held electronic device which includes a user control (fig. 1, remote control 5) and a screen for displaying supplemental information associated with programming (fig. 6A). Said portable hand-held electronic device which not only controls diverse electronic devices but also reports back customer interest regarding advertisements and interactive features (col. 27 line 18 - col. 28 line 55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Palmer and Kiefl to include a user control on the portable hand-held electronic device, as taught by Goldstein, for the benefit of increasing the usefulness of said device through the addition of user control functionality (channel and volume change, interactive features, etc...) and convenient delivery of additional content.

Regarding claim 79, Palmer, Kiefl, and Goldstein disclose the method of claim 78, wherein the broadcast includes a radio (Kiefl, col. 8 line 54 - col. 9 line 4 and Goldstein, col. 27, lines 41-52) or TV program (Palmer, col. 2 line 59 - col. 3 line 4, Kiefl, col. 5, lines 11-32, and Goldstein, col. 27, lines 41-52).

Regarding claim 80, Palmer, Kiefl, and Goldstein disclose the method of claim 78, wherein the broadcast includes a musical selection (in the instance of radio programming, Goldstein, col. 27, lines 41-52).



Regarding claim 81, Palmer, Kiefl, and Goldstein disclose the method of claim 78, wherein the broadcast includes an advertisement (Goldstein, col. 27, lines 41-52).

Regarding claim 82, Palmer, Kiefl, and Goldstein disclose the method of claim 78, but fail to disclose the hand-held electronic device further includes a pushbutton control.

However, Palmer and Kiefl both show that it was known and common practice at the time to include push buttons on remote control devices (Palmer, col. 3 line 63 - col. 4 line 2, shown as 'response buttons 56' in fig. 2 and Kiefl, col. 5, lines 11-32, fig. 1, push buttons 11). The user control of Goldstein is disclosed as a touch screen, however touch screens are much more vulnerable to technical errors, and thus it would have been obvious at the time to include at least one pushbutton on the user control in addition to the touch screen to provide a means for user input that is more reliable should the touch screen lose function.

Regarding claims 92 and 117, Palmer discloses a system for providing supplemental information to a user about a broadcast, the system comprising:

a memory located remotely from a database for storing supplemented information about a broadcast (fig. 1, database 20, col. 2, lines 45-58 and col. 4, lines 10-37) which stores information indicative of the broadcast in response to activation of a user control (col. 3 line 63 - col. 4 line 9);

a communications interface which establishes a connection to the remote database (col. 3 line 63 - col. 4 line 9);

wherein the information indicative of the broadcast is communicated from the memory to the remote database as a user request for supplemental information so that the supplemental information associated with the broadcast is identified and provided to the user (col. 4, lines 10-37).

Palmer fails to disclose a user-operable device located remotely from the database which includes the user control, memory, communications interface, and a clock outputting time-of-day information, wherein the information indicative of the broadcast includes time-of-day information from the clock, and thus the database stores the supplemental information as a function of the time-of-day, wherein the supplemental information associated with the broadcast is communicated to the device.

In an analogous art, Kiefl discloses a user operable device (fig. 1, personal data meter, col. 9, lines 27-35) which includes a memory (fig. 2, memory 28), communications interface (fig. 2, phone control, modem, and cellular phone 31 and 32), and a clock outputting time-of-day information (fig. 2, clock 26), that is used to report back time-of-day information indicating what programming a viewer has watched (col. 6, lines 38-51). This provides a reporting device which has the benefit of being portable and usable with any television (or radio, see col. 8 line 54 - col. 9 line 4) source, requiring no physical

connection to the television or other special equipment (col. 3, lines 19-36 and col. 9, lines 28-35).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer to include a user-operable device which includes the memory, communications interface, and a clock outputting time-of-day information, wherein the information indicative of the broadcast includes time-of-day information from the clock, as taught by Kiefl, for the benefit of utilizing a stand alone device which is portable and not limited to use with any one particular television and requires no additional or special equipment to function. Because the information being reported by the device includes time-of-day information, the remote database stores the supplement content as a function of the time-of-day, since the coded information sent upstream is what the database utilizes to locate desired supplemental content (Palmer, col. 3 line 63 - col. 4 line 18). This obviates the need for specific codes to be associated with the broadcast itself, the system of Palmer continues to function in its original form in delivering supplemental content, it is simply broadened to be more widely applicable when modified in view of Kiefl. Because the system disclosed by Palmer is concerned with retrieval of supplemental content that corresponds not only to a program, but that the granularity of the information is applicable down to portions of the program (Palmer, col. 3, lines 5-10), the time of day information is associated specifically with when the user makes to the request of supplemental

content, in order to specify which particular portion of the program the user was viewing when the request for supplemental content was made.

Palmer and Kiefl fail to disclose the user-operable device also includes the user control and wherein the supplemental information associated with the broadcast is communicated to the device.

In an analogous art, Goldstein discloses a user-operable device which includes a user control (fig. 1, remote control 5) wherein the supplemental information associated with the broadcast is communicated to the device. Said portable hand-held electronic device which not only controls diverse electronic devices but also reports back customer interest regarding advertisements and interactive features (col. 27 line 18 - col. 28 line 55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer and Kiefl to include the user control on the user-operable device, as taught by Goldstein, for the benefit of increasing the usefulness of said device through the addition of user control functionality (channel and volume change, interactive features, etc...) and convenient delivery of additional content.

Regarding claim 93, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the database stores supplemental information broadcast as a function of the time of day (as described above), the clock in the in the user operable device outputs time information (Kiefl, col. 6, lines 38-43), and the time

is communicated to the database to identify the supplemental information to be provided to the user (Kiefl teaches reporting channels watched and at what times the channels were watched, col. 6, lines 38-64, and Palmer teaches using reported information regarding viewed programming to locate supplemental content of interest, col. 4, lines 10-38).

Palmer, Kiefl, and Goldstein fail to disclose including date information as well.

Examiner takes official notice that indexing content according to date as well as time of day is notoriously well known in the art, as indexing according to date provides for much larger databases to be used than one in which only the content of a single day is stored.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include date information as well, for the benefit of allowing the database which stores the supplemental content to span several days worth of content.

Regarding claim 95, Palmer, Kiefl, and Goldstein disclose the system of claim 92, but fail to disclose the memory is removable from the device for transport to a different location for communication the time-of-day information to the database.

Examiner takes official notice that the use of removable memory devices is notoriously well known in the art. Sharing or uploading information stored in a

removable memory device simplifies a user-operable device by removing the need for a communication module. Often, the device used to transmit the information found in removable memory modules is a home computer, which often are equipped with data modems for network communications and a compatible data interface for receiving the memory module.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include the memory is removable from the device for transport to a different location for communication the time-of-day information to the database, simplifying the user-operable device by removing the need for a communication module.

Regarding claim 96, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the device forms part of a telephone (Kiefl, fig. 2, cellular phone 31).

Regarding claim 102, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the communications interface is configured to wirelessly connection to a telephone network (Kiefl, fig. 2, cellular phone 31).

Regarding claim 103, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the controller is configured to store identification information in

the memory and communicate the user identification information to the database (Palmer, col. 4, lines 10-37, specifically lines 31-37).

Regarding claim 104, Palmer, Kiefl, and Goldstein disclose the system of claim 103, further including data processor means for analyzing the identification information to determine a number of requests for the supplemental information (Palmer, col. 4, lines 31-37).

Regarding claim 106, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the device further includes a display, and wherein the controller is configured to provide the supplemental information through the display (user interactions with the user-operable device is performed through interacting with the displayed menus and graphics shown in the display, as shown in figs. 2A-9 in Goldstein, see for example, col. 10 line 35 - col. 11 line 26, see also fig. 6A).

Regarding claim 107, Palmer, Kiefl, and Goldstein disclose the system of claim 92, but fail to disclose data processor means for erasing time of day information from the memory in response to a request from the database.

Examiner takes official notice that means for erasing stored data from memory is notoriously well known in the art, as there are many reasons erasing stored data from memory, first and foremost is the need to free memory space in

order to make room for new data. Providing a user with manual means for erasing data allows a user the freedom and flexibility in determining which data is no longer wanted, and automatic means for purging obsolete or expired data is also common.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Palmer, Kiefl, and Goldstein to include data processor means for erasing time of day information from the memory in response to a request from the database, for the benefit of freeing memory space in order to make room for new data.

Regarding claim 108, Palmer, Kiefl, and Goldstein disclose the system of claim 92, but fail to disclose the controller is configured to correlate the clock in the device with a second clock in the database.

Examiner takes official notice that it is notoriously well known in the art to use master clocks outputting clock signals to coordinate remote clocks in order to synchronize the remote clocks with the master clock. This maintains a synchronized state between the remote clocks and the primary clock, which maintains accuracy between sites for such purposes as data and service coordination.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include the controller is configured to correlate the clock in the device with a second clock in



the database, providing the benefit of increased accuracy in reported information, as the time of day information output from each clock has been synchronized.

Regarding claim 109, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the supplemental information includes a copy of the broadcast (Palmer discloses the information provided includes details regarding advertised products or services and any other information an advertiser wishes to convey, col. 3, lines 25-32), in the form of text (a facsimile transmission).

Regarding claim 110, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the supplemental information includes the price of a product or a service, and an availability of the product or the service (Palmer, col. 3, lines 25-32 and col. 4, lines 22-27).

Regarding claim 118, Palmer, Kiefl, and Goldstein disclose the device of claim 117, but fail to disclose the control is a pushbutton.

However, Palmer and Kiefl both show that it was known and common practice at the time to include push buttons on remote control devices (Palmer, col. 3 line 63 - col. 4 line 2, shown as 'response buttons 56' in fig. 2 and Kiefl, col. 5, lines 11-32, fig. 1, push buttons 11). The user control of Goldstein is disclosed as a touch screen, however touch screens are much more vulnerable to technical errors, and thus it would have been obvious at the time to include at least one

pushbutton on the user control in addition to the touch screen to provide a means for user input that is more reliable should the touch screen lose function.

Regarding claims 119 and 120, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the broadcast includes a radio (Kiefl, col. 8 line 54 - col. 9 line 4 and Goldstein, col. 27, lines 41-52) or TV broadcast [advertisement] (Palmer, col. 2 line 59 - col. 3 line 4, Kiefl, col. 5, lines 11-32, and Goldstein, col. 27, lines 41-52).

Regarding claim 121, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the broadcast includes a musical selection, and further wherein the supplemental information is associated with the musical selection (in the instance of radio programming, Goldstein, col. 27, lines 41-52).

Regarding claim 122, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the controller is further configured to communicate to the database the time of day information (as described above), the clock in the in the user operable device outputs time information (Kiefl, col. 6, lines 38-43), and the time is communicated to the database to identify the supplemental information to be provided to the user (Kiefl teaches reporting channels watched and at what times the channels were watched, col. 6, lines 38-64, and Palmer teaches using

reported information regarding viewed programming to locate supplemental content of interest, col. 4, lines 10-38).

Palmer, Kiefl, and Goldstein fail to disclose including date information as well.

Examiner takes official notice that indexing content according to date as well as time of day is notoriously well known in the art, as indexing according to date provides for much larger databases to be used than one in which only the content of a single day is stored.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the device disclosed by Palmer, Kiefl, and Goldstein to include date information as well, for the benefit of allowing the database which stores the supplemental content to span several days worth of content.

Regarding claim 124, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the supplemental information is provided in print form (Palmer teaches sending facsimile transmissions for supplemental information, col. 4, lines 10-37).

Regarding claims 125 and 129, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the established a connection comprises a [wireless] telephone connection (Kiefl, fig. 2, cellular phone 31).

Regarding claim 126, Palmer, Kiefl, and Goldstein disclose the device of claim 125, wherein the supplemental information is provided through the telephone connection (Palmer teaches sending facsimile transmissions for supplemental information, col. 4, lines 10-37).

Regarding claim 127, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the auxiliary information is in the form of text information (Palmer teaches sending facsimile transmissions for supplemental information, col. 4, lines 10-37) provided on the display (on the display 10, see Goldstein, figs. 1 and 6).

Regarding claim 128, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the memory is configured to store the supplemental information (Goldstein, fig. 10, memory 90, which stores downloaded content related to programming, col. 12, lines 44-47, such as advertisement content, see figs. 6-9).

Regarding claims 130 and 160, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the controller is further configured to communicate identification information to the database (Palmer, col. 4, lines 10-37, specifically lines 31-37).

Regarding claim 133, Palmer, Kiefl, and Goldstein disclose the device of claim 117, further comprising a display configured to display the supplemental information, wherein the display allows sorting and selection of the supplemental information (user interactions with the user-operable device is performed through interacting with the displayed menus and graphics shown in the display, as shown in figs. 2A-9 in Goldstein, see for example, col. 10 line 35 - col. 11 line 26).

Regarding claim 134, Palmer, Kiefl, and Goldstein disclose the device of claim 117, but fail to disclose the controller is further configured to erase the time-of-day information from the memory.

Examiner takes official notice that means for erasing stored data from memory is notoriously well known in the art, as there are many reasons erasing stored data from memory, first and foremost is the need to free memory space in order to make room for new data. Providing an automatic means for purging obsolete or expired data is common.

It would have been obvious at the time to a person of ordinary skill in the art to modify the device of Palmer, Kiefl, and Goldstein to include the controller is further configured to erase the time-of-day information from the memory, for the benefit of freeing memory space in order to make room for new data.

Regarding claim 135, Palmer, Kiefl, and Goldstein disclose the device of claim 117, but fail to disclose the controller is further configured to correlate the close with a second clock associated with the database.

Examiner takes official notice that it is notoriously well known in the art to use master clocks outputting clock signals to coordinate remote clocks in order to synchronize the remote clocks with the master clock. This maintains a synchronized state between the remote clocks and the primary clock, which maintains accuracy between sites for such purposes as data and service coordination.

It would have been obvious at the time to a person of ordinary skill in the art to modify the device disclosed by Palmer, Kiefl, and Goldstein to include the controller is further configured to correlate the close with a second clock associated with the database, providing the benefit of increased accuracy in reported information, as the time of day information output from each clock has been synchronized.

Regarding claim 136, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the supplemental information includes a copy of the broadcast itself (Palmer discloses the information provided includes details regarding advertised products or services and any other information an advertiser wishes to convey, col. 3, lines 25-32, therefore the supplemental information may include a copy of the broadcast itself).

Regarding claim 137, Palmer, Kiefl, and Goldstein disclose the device of claim 117, wherein the supplemental information includes the price of a product or a service (Palmer, col. 3, lines 25-32 and col. 4, lines 22-27).

Regarding claim 161, Palmer, Kiefl, and Goldstein disclose the device of claim 160, wherein the database is configured to analyze the identification information to determine a number of user requests for the supplemental information (Palmer, col. 4, lines 31-37).

4. Claims 94, 105, 123, and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer, Kiefl, and Goldstein, as applied to claims 92 and 117 above, and further in view of Welsh et al. (4,955,070, of record) [Welsh].

Regarding claims 94 and 123, Palmer, Kiefl, and Goldstein disclose the system and device of claims 92 and 117, but fail to disclose the supplemental information is stored as a function of station identification, the device further includes a broadcast station tuner for deriving the station identification, and the station identification information is communicated to the database along with the time of day to identify the supplemental information to be communicated to the device.

In an analogous art, Welsh discloses a user-operable device which includes a broadcast station tuner for deriving station identification information

(fig. 1, tuner circuit 16, col. 3, lines 60-66) which is reported back to a central database (col. 2, lines 3-23), for the benefit of automatic monitoring of broadcast content (the user is not required to input the station or time manually, col. 1, lines 44-59).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and device disclosed by Palmer, Kiefl, and Goldstein to include a broadcast station tuner for deriving station identification, and the station identification information is communicated to the database (along with the time of day), as taught by Welsh, for the benefit of automatic monitoring of broadcast content, negating the need for a user to manually input station identification information to the user-operable device. The database stores supplemental information about a radio or TV broadcast also as a function of station identification as a matter of necessity, because the time alone is insufficient to determine what a user is watching in order to retrieve the desired supplemental content.

Regarding claims 105 and 132, Palmer, Kiefl, Goldstein, and Welsh disclose the system and method of claims 94 and 123, wherein the station identification information comprises the station call letters (of radio stations, Kiefl, col. 8 line 66 - col. 9 line 2).



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5. Claims 97-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer, Kiefl, and Goldstein as applied to claim 92 above, and further in view of Atcheson et al. (5,583,763, of record) [Atcheson].

Regarding claim 97, Palmer, Keifl, and Goldstein disclose the system of claim 92, but fail to disclose the supplemental information relates to at least one of the musical selections.

In an analogous art, Atcheson discloses a database remote from a user for storing a plurality of musical selections which are requested and downloaded by a user (col. 3, lines 24-63), providing the benefit of a music download service which allows users to select specifically which musical selections they wish to hear.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include a database remote from the user for storing a plurality of musical selections, as taught by Atcheson, for the benefit of providing a music download service which allows users to select specifically which musical selections they wish to hear (a service which may be ordered by a user, Goldstein, col. 33, lines 58-68). The supplemental information relates to at least some of the selections because the supplemental information relates to content which is viewed or listened to by viewers, which includes the musical selections in the remote database.

Regarding claim 98, Palmer, Kiefl, Goldstein, and Atcheson disclose the system of claim 97, wherein the device includes a display (Goldstein, fig. 1) and means for playing a musical selection (Goldstein, fig. 10, 'sound generator'); and the controller is further configured to download the musical selection from the database to the device, play the musical selection (Atcheson, col. 3, lines 51-63) and display the supplemental information on the display (a 'service ordered by the user' which is ordered over and displayed on the user-operable device, Goldstein, col. 33, lines 58-68).

Regarding claim 99, Palmer, Kiefl, Goldstein, and Atcheson disclose the system of claim 98, but fail to disclose the supplemental information includes a name of the musical selection and an artist associated with the musical selection.

Examiner takes official notice that it is notoriously well known in the art to provide the name and performers of a musical selection, as users often wish to know what the name of a song and who performs it when listening.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, Goldstein, and Atcheson to include a name of the musical selection and an artist associated with the musical selection, as this is the sort of information most often desired by users who listen to musical selections.

Regarding claims 100 and 101, Palmer, Kiefl, Goldstein, and Atcheson disclose the system of claim 98, wherein the memory is configured to store the musical selections and the supplemental information (illustrated in Kiefl, fig. 2, memory 28 and Goldstein, fig. 10, RAM 90).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2623

/Dominic D Saltarelli/  
Examiner, Art Unit 2623